
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Union, Township of)	File No. EB-08-NY-0280
Licensee of Radio Station WPMC452)	
Union, New Jersey)	NOV No. V200832380047

NOTICE OF VIOLATION

Released: August 5, 2008

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Union, Township of ("Union"), licensee of private land mobile radio station WPMC452, Union, New Jersey.
2. On July 22, 2008, in response to an interference complaint from a licensee, an agent of the Commission's New York Office inspected radio station WPMC452, and observed the following violations:
 - a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part..." At the time of inspection, an agent determined that Union was operating a trunked system on the frequency 502.1125 MHz. The station class identified for the frequency 502.1125 MHz in Union's authorization for WPMC452 is an FB2 mobile relay. In order to operate a trunked system, Union must modify its license (class of station codes) to indicate that its system will be trunked.
 - b. 47 C.F.R. § 90.187(b): "Trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid causing harmful interference to other systems." At the time of the inspection it was determined that, due to a power amplifier failure, Union had switched its trunked system control channel to the frequency 502.1125 MHz without monitoring or coordinating with co-channel users.

¹47 C.F.R. § 1.89.

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- c. C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section....” On July 22, 2008, between 9:30 a.m. and 10:30 a.m., Union did not transmit its call sign identification for station WPMC452 on the frequency 502.1125 MHz.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Union, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Union. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:
- Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014
4. This Notice shall be sent to Union, Township of, at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*